

**KENTUCKY LICENSING BOARD OF
HEARING INSTRUMENT SPECIALISTS**

BOARD MEETING MINUTES

**February 19, 2007
1:00 p.m.**

A regular Board meeting of the Kentucky Licensing Board for Specialists in Hearing Instruments was held at the Division of Occupations and Professions in Frankfort, Kentucky on February 19, 2007

BOARD MEMBERS PRESENT

Steve Clark
Lisa Brown
William "Jeff" Brown II
Brian Schreiner
Mike Stone
Charles Robinette
Michael Hoagland

OCCUPATIONS & PROFESSIONS STAFF

Carolyn Jones, Board Administrator
Wendy Satterly, Supervisor
Claude Wagner, Director

BOARD MEMBERS NOT PRESENT

Greg Osetinsky, M.D
Wilma McMillian

Mark Brengelman – Assistant Attorney General
Board Counsel

CALL TO ORDER OF THE COMPLAINTS COMMITTEE

Mr. Clark called the meeting of the complaints committee to order at 10:00 a.m. Mr. Brown moved to go into closed session per KRS 61.810(1)(c) and (j), seconded, motion passed. The Complaints Committee went into closed session. Mr. Clark moved to go out of closed session. Mr. Brown seconded, motion passed. Mr. Clark adjourned the meeting at 2:00 p.m.

CALL TO ORDER

Mr. Clark called the meeting to order at 2:15 p.m.

APPROVAL OF MINUTES

Mr. Stone made a motion to approve the minutes from the November 30, 2006 Board meeting. The motion was seconded by Mr. Schreiner. The motion carried.

FINANCIAL STATEMENT

Mr. Wagner gave the Board a description of the detailed information that was now being reported on the Financial Statement. Following that, Mr. Robinette made a motion to approve the financial statement dated January 31, 2007. The motion was seconded by Mr. Hoagland. The motion carried.

DIRECTOR'S REPORT

Mr. Wagner explained that he has been working on a 5 year analysis of financial information for all Boards. He stated that he saw no "red flags" with the HIS Board.

He also gave an update on the Imaging System Project that the Division was undertaking. The software has now been installed and he expects the project to be up and running within the next several weeks. He reported that there will be training for Board members should they be called upon to use the system from their own computers to review applications or other Board documents.

Mr. Wagner reported that the Speech Language Pathology and Audiology Board had filed some housekeeping bills during the current session. He wanted to reassure the HIS Board that none of the bills filed would affect their Board at all. Mr. Wagner was asked how the SLPA Board received their response to the request brought to them by Mr. Wagner to discontinue requiring SLPAs from having to take the licensure exams as a condition for licensure as a Specialist in Hearing Instruments. Mr. Wagner informed the Board that the SLPA Board reported that they would be willing to sit down and discuss any matters either of the Boards had and that they wished to have no ill feelings between Boards. The HIS Board, once again, stated that they had always been, and would continue to be, willing to enter into a dialogue with the SLPA Board.

OLD BUSINESS

Mr. Clark brought forth for discussion the matter as to whether or not a disciplined licensee would be able to act as a sponsor for an Apprentice Licensee. Following discussion and interpretation of the law Mr. Brown made the motion that 334.090(8) be interpreted that in order for a licensee to sponsor an apprentice his or her license must be current and in good standing. Ms. Brown seconded the motion. The motion carried. Mr. Brengelman also suggested that in the future, all settlement agreements or final orders of the Board include the same boilerplate language that any licensee currently under disciplinary action by the Board would NOT be allowed to sponsor an apprentice in accord with this interpretation of the Board.

NEW BUSINESS

The first item of new business was the election of new Board officers for the 2007 calendar year. Mr. Clark opened the floor for nominations. Mr. Stone made the motion to re-elect the same officers, Steve Clark as Board Chair, Mike Hoagland as Vice Chair, and Lisa Brown as Board Secretary. Ms. Brown seconded the motion. The motion carried.

Mr. Clark informed the Board that there had been some problems with the 2006-2007 renewal process. Many of the sales agreements, being sent as attachments to the renewal applications, had an incorrect mailing address for complaints to be sent to the Board. The Board Administrator had been instructed to return all renewal applications that had either an incorrect P.O. Box number or no P.O. Box number at all. Upon further research it was discovered that KRS 334.030 (1)(c) states that sales agreements only had to have KENTUCKY BOARD OF LICENSURE FOR SPECIALISTS IN HEARING INSTRUMENTS, COMMONWEALTH OF KENTUCKY, FRANKFORT, KENTUCKY 40601 as the mailing address. No renewals were refused renewal or charged late fees for not having the correct board mailing information. Mr. Hoagland made a motion that prior to the next renewal period a letter would be sent to all licensee's asking them to please make sure they had the current P.O. Box for the Board on their sales agreements and explaining that the Board's interpretation of the law was that the documents should always have the correct and complete mailing address for the Board. Mr. Brengelman advised the Board that it would be helpful for the statute to be amended to require the correct and complete mailing address for the Board in KRS 334.030 in KRS 334.030(1)(c).

This renewal period also highlighted a problem for licensee's who currently worked for not-for-profit organizations such as the Veteran's Administration. The law requires that all licensee's, no matter where they are currently employed, are required to send a copy of a delivery statement and sales agreement which complies with KRS Chapter 334. If no delivery statement and sales agreement is available through their employer, licensees must create one using a template provided to them by the Board in order to ensure the Board that they have an understanding of the laws and regulations and compliance with the renewal requirements.

Mr. Clark asked the Board Administrator to begin copying letters sent to all applicants for apprenticeship to the proposed sponsor on the application. By doing so, the proposed sponsor would stay "in the loop" when there are questions or problems relating to the apprentice application.

Mr. Clark asked the Board to discuss the meaning and intent of KRS 334.090(8) as it related to who may be a sponsor. Following discussion by the Board the following determinations were made to clarify who qualified to be a sponsor: if someone has been licensed in another state and has a license that is in good standing, they may sponsor; OR if someone has obtained NBC-HIS board certification they are eligible to sponsor; OR "has a current license issued pursuant to this chapter with a minimum of three years experience" means a Kentucky license in good standing, that makes them eligible to sponsor.

COMPLAINTS

Mr. Clark made a motion for the Board to accept the Complaint Committees report as follows:

04-007 – The Defendant is continuing to make payments. The case has been referred for further investigation and is on-going.

05-005 – *HIS Board v. Arthur Azar*, Agency Case No. 05-005, Administrative Action No. 06-KBHI-0169. Mr. Robinette motioned to go into closed session under KRS 61.810(1)(c) and (j) to discuss pending litigation and an adjudication on an individual licensee. Ms. Brown seconded the motion. All in favor. Mr. Stone, having recused himself, left the room during the discussion and did not vote. Ms. Brown motioned to come out of closed session. Mr. Robinette seconded the motion. All in favor. Mr. Brengelman is to continue settlement negotiations to implement the Board's monitoring in response to Mr. Azar's settlement offer; if there is an impasse in settlement negotiations, Mr. Brengelman is to pursue the judicial appeal

in the McCracken Circuit Court. Once a settlement has been reached and agreed upon by the Board, a motion will be filed to dismiss the appeal.

05-006 – Settlement Agreement approved by the Board
05-018 – Settlement Agreement approved by the Board
06-003 – Settlement Agreement approved by the Board
06-010 – Ongoing investigation
06-012 – Notice of Administrative Hearing and Order
06-015 – Ongoing
06-016 – Ongoing (Referred to KBI)
06-018 – Notice of Administrative Hearing and Order to be filed by the Board
06-019 – Ongoing (Referred to KBI)
06-020 – Ongoing
06-026 – Notice of Administrative Hearing and Order to be filed by the Board
06-027 – Notice of Administrative Hearing and Order to be filed by the Board
06-028 – Notified to cease and desist the unlicensed practice of fitting and selling hearing instruments
06-029 – Dismissed for insufficient evidence of violation of law
06-030 – Ongoing
06-032 – Ongoing
07-001 – Ongoing
07-002 – Ongoing
07-003 – Ongoing
07-004 – Ongoing

The motion was seconded by Mr. Robinette. Motion carried. Mr. Clark and Mr. Brown recused and did not vote on any action taken.

APPLICATION REVIEW

Mr. Stone made a motion for the Board's acceptance of the following applications as follows:

APPROVED

Donald Baker approved as an Apprentice (effective November 30, 2006) – John Logan sponsor
Gregory W. Boese – approved to sit exams
Jeffrey Broy – approved to sit for exams
Joseph A. Donchalz approved as an Apprentice – Marsha Mattingly sponsor
Annie Erwin – approved to sit for exams
Ben Ferguson approved as an Apprentice – Gregory Blevins sponsor
Eric A. Koenig – approved to sit for exams
Atheana M. Meadows – approved to sit for exams
Scott Nelson approved as an Apprentice – Laliana Callicot sponsor
Justin Roberts – approved to sit for exams once verification of having passed national exam and a clearer picture have been received
Richard Travelstead approved as an Apprentice – Chet Partin sponsor. Request to make apprentice permit effective the date company training obtained denied.
Jeremy Warner approved as an Apprentice – Claude P. Hobeika (NBC-HIS Board Certified, Ohio Licensee) sponsor

DENIED

Erin L. Walters – ineligible sponsor
Mr. Robinette seconded the motion. The motion carried.

CONTINUING EDUCATION

Ms. Brown made a motion that the following requests for continuing education be approved for 5 manufacturing hours:
St. Francis Medical Center – The 19th Hearing Aid Update
Beltone Electronics Corporation – Basic Hearing Aid Modification (BHAM) Class
Beltone Electronics Corporation – Beltone 2007 National Meeting
Beltone Electronics Corporation – Beltone 2007 Innovative Options Seminar
Mr. Brown seconded the motion. The motion carried.

APPROVAL OF TRAVEL & PER DIEM

Mr. Schreiner made a motion to approve the travel and per diem. The motion was seconded by Mr. Hoagland. The motion carried.

NEXT MEETING

The next meeting is scheduled for April 12, 2007. The Complaint Committee will meet at 10:00 a.m. with the regular meeting of the Board beginning at 1:00 p.m. Exams will be given on April 13, 2007 beginning at 9:00 a.m.

ADJOURNMENT

Mr. Robinette a motion to adjourn at 6:15 p.m. The motion was seconded by Mr. Schreiner. The motion carried.

Prepared by Carolyn Kyler, Board Administrator
February 26, 2007

Approved on April 12, 2007